

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 DENNIS J. HUELBIG, JR. et al.,)

Case No. 2:17-cv-02669-RFB-CWH

5 Plaintiffs,)

6 v.)

7 ANNETTE L. PRATTE,)

REPORT & RECOMMENDATION

8 Defendant.)
9 _____)

10 On October 16, 2017, pro se Plaintiffs Dennis J. Huelbig, Jr. and Andrina L. Perry filed a
11 motion to proceed *in forma pauperis* (ECF No. 1) along with a complaint (ECF No. 1-1). On
12 October 20, 2017, this Court entered an order denying Plaintiffs' motion to proceed *in forma*
13 *pauperis* as incomplete. Plaintiffs were ordered to either file a complete application to proceed *in*
14 *forma pauperis* or pay the full filing fee in this case of \$400 within 30 days. More than thirty days
15 has elapsed, and Plaintiffs have not made any further filing in this case.

16 Plaintiffs were advised that failure to file a complete application to proceed *in forma pauperis*
17 could result in a recommendation that their case be dismissed. As Plaintiffs have been given notice
18 of the deficiencies in their application to proceed *in forma pauperis*, but have failed to either file a
19 complete application or pay the filing fee in this case, the Court will recommend that this case be
20 dismissed without prejudice.

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1 **RECOMMENDATION**

2 **IT IS HEREBY RECOMMENDED** that Plaintiffs' case be dismissed without prejudice.

3 **NOTICE**

4 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in
5 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held
6 that the courts of appeal may determine that an appeal has been waived due to the failure to file
7 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
8 held that (1) failure to file objections within the specified time and (2) failure to properly address and
9 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
10 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
11 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

12 DATED: December 5, 2017

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15 C.W. Hoffman, Jr.
16 United States Magistrate Judge
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